

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rule making related to interagency coordinating council for the state medical examiner and providing an opportunity for public comment

The Public Health Department hereby proposes to amend Chapter 124, “Interagency Coordinating Council for the State Medical Examiner,” and to rescind Chapter 125, “Advisory Council for the State Medical Examiner,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 691.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 691 and 2019 Iowa Acts, House File 766.

Purpose and Summary

2019 Iowa Acts, House File 766, sections 76 and 77, combine most of the duties and members of the Advisory Council for the State Medical Examiner into the Interagency Coordinating Council for the State Medical Examiner. The proposed amendments to Chapter 124 will incorporate the duties and members of the Advisory Council for the State Medical Examiner into the Interagency Coordinating Council for the State Medical Examiner as prescribed in House File 766. The proposed rescission of Chapter 125 will remove the obsolete rules pertaining to the eliminated Advisory Council for the State Medical Examiner.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s waiver and variance provisions contained in 641—Chapter 178.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 6, 2019. Comments should be directed to:

Jon Thompson
Iowa Office of the State Medical Examiner
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: jonathan.thompson@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 641—124.1(691) as follows:

641—124.1(691) Purpose. ~~The purpose~~ purposes of the interagency coordinating council for the state medical examiner is to provide guidance concerning medicolegal death investigation for the state of Iowa, facilitate optimal relationships between the state and county medical examiners and other agencies involved in death investigation, and provide a venue for both the exchange of information vital to the continued operations of the Iowa office of the state medical examiner and the effective coordination of the functions and operations of the office of the state medical examiner with the needs and interests of the department of public safety and the department of public health, with input and guidance from the governor’s office and other council members.

ITEM 2. Amend rule 641—124.2(691) as follows:

641—124.2(691) Membership. ~~Members shall include the representatives from agencies and organizations that are directly involved with the office of the state medical examiner and medicolegal death investigation in the state of Iowa.~~

124.2(1) The interagency coordinating council for the state medical examiner members shall include the following:

- a. The chief state medical examiner or, when the state medical examiner is not available, the deputy state medical examiner; ~~the~~;
- b. The commissioner of public safety or the commissioner’s designee; ~~the~~;
- c. The director of public health or the director’s designee; ~~and the~~;
- d. The governor or the governor’s designee;;
- e. A representative from the office of the attorney general;
- f. A representative from the Iowa County Attorneys Association;
- g. A representative from the Iowa Medical Society;
- h. A representative from the Iowa Association of Pathologists;
- i. A representative from the Iowa Association of County Medical Examiners;
- j. A representative from the statewide emergency medical system; and
- k. A representative from the Iowa Funeral Directors Association.

124.2(2) Each specific organization listed in paragraphs 124.2(2)“e” through “k” shall designate a representative to serve on the coordinating council. Representatives shall be approved by the state medical examiner in consultation with the director of public health.

124.2(3) The state medical examiner may invite representatives from other relevant organizations to provide specific insights to a particular issue, as needed.

ITEM 3. Amend rule 641—124.4(691) as follows:

641—124.4(691) Duties. The interagency coordinating council shall ~~perform~~ do all of the following duties:

124.4(1) Advise and consult with the state medical examiner on a range of issues affecting the organization and functions of the office of the state medical examiner and the effectiveness of the medical examiner system in the state.

~~124.4(1)~~ 124.4(2) Provide a venue to coordinate Advise the state medical examiner concerning the assurance of effective coordination of the functions and operations of the office of the state medical examiner with the department of public safety and the department of public health in order to better serve the needs of the citizens of Iowa.

124.4(3) Provide information to council members regarding the current operations and functions of the office of the state medical examiner.

~~124.4(2)~~ 124.4(4) Provide to and receive from the governor's office updated information relevant to the mission of the state medical examiner's office.

~~124.4(3)~~ 124.4(5) Discuss legislative and budgetary decisions that may impact the functions and operations of ~~one, two, or all three agencies~~ any agency or member entity represented by the interagency coordinating council.

124.4(6) Elicit council members' suggestions and recommendations to improve the overall operations of the office of the state medical examiner.

ITEM 4. Rescind and reserve **641—Chapter 125.**